

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**SHANRIE Co., INC., DAN SHEILS,
NETEMEYER ENGINEERING
ASSOCIATES, INC., FOREST HILLS, L.P.,
THE MARK TWAIN TRUST,
PAMELA BAUER, and BRIAN BAUER,**

No. 07-491-DRH

Defendants,

and

**NETEMEYER ENGINEERING
ASSOCIATES, INC., FOREST HILLS, L.P.,
MARK TWAIN TRUST, PAMELA BAUER,
and BRIAN BAUER,**

Defendants/Third-Party Plaintiffs,

v.

**RHUTASEL AND ASSOCIATES, INC.,
L&S BUILDERS DESIGN, INC., HENDERSON
ASSOCIATES ARCHITECTS, INC.,
THOUVENOT, WADE & MOERCHEN, INC.,
and BUILDERS DESIGN HOLLANDER
ARCHITECTS, P.C.,**

Third Party Defendants.

ORDER

HERNDON, Chief Judge:

On February 23, 2009, the Court entered an Order granting Third-Party

Defendants' Thouvenot, Wade & Moerchen, Inc., Builders Design Hollander Architects, P.C., Henderson Associates Architects, Inc., and L&S Builders Design, Inc.'s motions to dismiss Third-Party Plaintiffs' Complaint for contribution (Doc. 109). The Court found that the Fair Housing Act does not provide a right to contribution or indemnity and thus dismissed Third-Party Plaintiffs' Complaint with prejudice. However, the Court did not include a finding pursuant **FEDERAL RULE OF CIVIL PROCEDURE 54(b)** that there was no reason to delay enforcement of the dismissal.

Now before the Court is Third-Party Defendants Henderson Associates Architects, Inc. and L&S Builders Design, Inc.'s motions for finding pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 54(b)** (Doc. 126 & 127). Defendants Henderson Associates Architects, Inc. and L&S Builders Design, Inc. asked the Court to direct an entry of final judgment pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 54(b)**. Rule 54(b) permits a district court, in a case involving multiple claims or parties, to "direct the entry of a final judgment as to one or more, but fewer than all, [of the] claims or parties" only upon an express determination that there is no just reason for delay. **FED. R. CIV. PRO. 54(b)**.

The Court finds that there is no just reason for delaying entry of judgment on Third-Party Plaintiffs' Complaint for contribution. The Court's ruling, dismissing with prejudice Third-Party Plaintiffs' complaint for contribution, disposes of all the claims against Third-Party Defendants (Doc. 109). **See U.S. v. Ettrick**

Wood Products, Inc., 916 F.2d 1211, 1217 (7th Cir. 1990) (entry of 54(b) requires that court “reach a judgment that is final in the sense that it...finally resolves all claims against a particular party or parties.” (citing *Steve’s Homemade Ice Cream, Inc. v. Stewart*, 907 F.2d 364 (2d Cir. 1990))).

Therefore, the Court **GRANTS** Defendants Henderson Associates Architects, Inc. and L&S Builders Design, Inc.’s motions for finding pursuant to Rule 54(b) (Doc. 126 & 127) and **FINDS** that there is no just reason for delay of entry of judgment on Third-Party Plaintiffs’ Complaint. The Court directs the Clerk to enter judgment pursuant to Rule 54(b) accordingly.

IT IS SO ORDERED.

Signed this 11th day of May, 2009.

/s/ David R. Herndon

**Chief Judge
United States District Court**